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Issues in Vendor-Library Relations - Going Loco over In Loco Parentis: Buying Internet Filters

Barry Fast

Academic Book Center, barryf@acbc.com

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Something happens to our common sense when we encounter technology. Maybe we humans are not quite as technologically adept as we like to believe. Maybe the Luddites had a point. For instance, when we walk down a busy urban street, we would no more cut off another pedestrian or flip him the bird than we would scream obscenities in his ear. But put us in a car, especially a state-of-the-art SUV or flaming red sports car, and many of us lose all common courtesy, never mind common sense. All that technology seems to free us from ordinary civilized constraints. We become road warriors in their worst sense. Surrounded by steel and mounted atop hundreds of horses, we weave, tailgate, intimidate, and use our horn to curse. There's an old **George Carlin** joke: When we are driving, the guy going slower than we are is a jerk and the guy going faster is a maniac.

Concerning Internet filtering technology, many of us appear to be forming positions similarly devoid of common sense. This is, after all, a debate about the effectiveness of a technology, not a debate about enabling children to freely immerse themselves in Internet pornography and graphic violence. That issue has always been agreed upon. No responsible person thinks this stuff is good for kids, and in the low tech world of books and magazines we have solved the problem of censorship versus freedom. Children are not permitted easy access to pornography and vicious violence in print, film and TV formats. Why enable that access via the Internet?

The case against filters has two main themes. One is that, unlike books and other media, the Internet is virtually infinite and fluid. This means that you can't decide a part of the Internet should be censored because, in essence, there are no parts. The technology of the Internet itself makes it a whole, not just pieces of a whole. The attempt to censor part of the Internet is wrong because the Internet is like a fabric: cutting out a piece here and there makes the whole thing unravel.

The problem with this argument is that it discourages any attempt to protect children or regulate their use. In essence, this argument says the Internet, unlike any other medium, is immune from any regulation under any circumstances, no matter how reasonable. The proponents of this argument explain, for instance, that a gay teenager in some small town needs the benefit of the online gay com-

Issues in Vendor-Library Relations

Going Loco over *In Loco Parentis*: Buying Internet Filters

by **Barry Fast** (Senior VP, Academic Book Center, ph. 800-326-3080 or 718-885-9563) <barryf@acbc.com> <http://www.acbc.com>

munity so that his or her sense of isolation is relieved. A worthy goal, but one that ignores the other teenagers in that small town who find a gay bashing site, follow the links and immerse themselves in the community of anti-gay fanatics. These kids, lacking any guidance from adults, and struggling with their own emerging sexuality and ignorance, can easily form intolerant viewpoints that eventually end in homophobic attitudes, or worse. Those who are against any regulation accept that both situations may occur, that gay teenagers may find comfort while others may find rage. This is an argument of extremes, and if followed to its logical conclusion, even a parent has no right to regulate a child's Internet behavior. In fact, there are people who do hold that view.

The other theme in the Internet filter debate hinges on the limitations of the present technology. Quite rightly, librarians and other protectors of the First Amendment point to Internet filter software as clumsy and too often indiscriminate. We've all heard how a search for breast cancer information is blocked by the word breast, or an attempt to get information on Essex is stymied by the string of letters s e x. This failure of technology is the underlying reason that so many of us oppose Internet censoring. The ACLU's associate director, speaking at the **Internet Online Summit: Focus on Children**, as quoted in ZDNN (Dec 4, 1997) said "Filters would be fine as long as it was (sic) truly the user who was in control, but we do not believe the current industry practice accomplishes that. The truth is that many of these tools are clumsy and block non-objectionable speech." In a letter published in *The New York Times* (Oct 24, 1998) **Ann K. Symons**, president of ALA, writes "The **American Library Association** does not endorse the use of filtering software in libraries for one simple reason—it doesn't work."

Were these problems solved, the Internet censorship debate would be moved to the fringes, where only those opposed to any censorship in any form would argue with those who want all controversial subjects and images censored. **Camille Paglia** would debate **Pat Robertson**, and the rest of us would join the vast middle ground where we accept that you can't yell fire in a crowded theater and you can exercise control over your children's reading and viewing habits. Common sense supports discretion in collecting and displaying pornography, whether at the local library, the video store, or your neighborhood Circle K. When these institutions act *in loco parentis*

to protect children against pornography, hateful talk and graphic violence, they have the support of the overwhelming majority of parents, and indeed, the Supreme Court. Maybe not always in the details, but certainly in the concept.

Recently *The New York Times* described how **Austin (Texas) Public Library** wrestled with Internet censorship and found a solution that seems both sensible and sensitive. (NYT Oct 15, 1998). But it was not easy to achieve a policy that protected both freedom and children. When librarians first observed kids getting into pornographic Internet sites, they were not just dealing with the surrogate parent role. They were also in potential violation of the law, which in Texas prohibits adults from knowingly making pornography available to children. Installing Internet filters resulted in many complaints from patrons who were frustrated by the usual problems with filters. ALA, when asked for some guidance, sent a "sharp letter" in reply, stating that ALA supports unlimited access to the Internet by adults and children alike. Finally, **Brenda Branch** (the library director) and her staff, in consultation with community groups representing the various positions in this debate, reached a compromise that is an elegant example of common sense. In addition to the filtered computers in the main library, they installed four non-filtered computers that are limited to use by people over 18 who present proof of age. Each of the branches will have one non-filtered terminal, with access controlled and limited to adults. So Ms. Branch and her colleagues, unfazed by the fact that a computer is not a book, handled a very difficult situation with balance and sensitivity. Because existing technology could not solve their problem, they resorted to an age-old problem-solving technique—using their brains.

Meanwhile the debate rages, fueled by well-meaning people on all sides who are putting principle ahead of the very real issues that librarians have to confront on a daily basis. It is OK to engage in lofty arguments about freedom as long as it is someone else risking jail time or job loss. It is seductive to be an absolutist if it is not your kid. If you are certain that God is on your side, a little loss of freedom is a small price to pay for heaven. While we dither, however, we put an enormous obstacle in the path toward an effective technological solution. If each incremental advance in filtering software sophistication is met with an absolutist position against Internet censorship, the entire development ef-

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fort is faced with uncertainty. Why pour all these resources into making better filters and user-controlled filters, when the whole concept of filtering is under attack? There should be no doubt that a technological solution is possible, that we can protect children from images and ideas that we know are harmful, while we support the right of adults to read or view anything they want. We delay, maybe even prevent, the development of that technology when we argue with the concept that children have a fundamental right to guidance from their parents or surrogate parents. If we didn't believe that, we'd let them play in the street.

If ALA and the ACLU want to argue that the most grisly violence on the Internet won't hurt children, especially children who may be troubled to begin with, that is their right. If they think that children won't be harmed by some of the more bizarre sexual images on the Internet, they certainly have a right to make the case. But they need to make that case before they adopt a position against any Internet censorship for children, and I don't think that either organization believes it should do that. I am sure that the anti-censorship stance of ALA and the ACLU is grounded in the very best of motives, to preserve freedom even when it is most controversial, most complicated, most emotional. But in my view, their stance on regulating children's Internet access is illogical.

It is illogical because it sacrifices the rights of children to be protected to the rights of adults to be free. There is no easy answer, especially for those of us who agree that the freedom to read (along with all its permutations) is fundamental to our belief system. But let's not hide behind imperfect technology, using that as the excuse to avoid making some hard decisions about the safety and education of kids. It is far easier to condemn censorship than it is to figure out a way to censor children's access without censoring adults'.

If children deserve protection from danger, and if we agree that pornography, hate sites and grisly violence are dangerous to children, then let's protect the kids. If, in doing so, we interfere with the rights of adults, then let's figure out a way not to. If we think we can develop a technology to protect children, then let's get to work on that. If we don't have the technology right now, in the interim let's figure out another way to regulate children's use. ALA is right to be concerned, and it is worthwhile debating how to protect children in the Internet environment. But don't let the debate become so hardened, so devoid of common sense, that we discourage people from trying to find a solution to the problem.

Resources:

A Practical Guide to Internet Filters. Karen G. Schneider (Neal Schuman Publishers, 1997). She also has a Website that rates filters: www.bluehighways.com/filters.

David Burt, a librarian in Lake Oswego, OR, maintains a Website on filters and issues surrounding them: www.filteringfacts.org.

ZDNET in its e-zine ZDNN covers the topic of filters and the controversy: www.zdnet.com.

Censorware Projects opposes filters and is found at www.censorware.org.

The New York Times issue of October 15, 1998 has an interesting article on the Austin, Texas solution along with pointers to some of the resources I've given above and ratings on five popular filters that you may consider buying.

The New York Times issue of October 19, 1998 has an Op-Ed piece by the novelist Roxana Robinson entitled "Censorship or Common Sense." Her article seemed to put the controversy into a perspective that I found very helpful and I recommend reading it. Ann Symons responded to Robinson in her Letter to the Editor published Oct. 24.

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